

1895-037
Lee Co.

Chancery Causes: A. J. Harris vs. W. S. Delph

Turner

CA-Debt
T-Property

VIRGINIA--LEE COUNTY, TO-WIT:

TO J M Thompson Constable of said County:

I HEREBY COMMAND YOU TO SUMMON W S Delpa

If to be found in your District to appear at J Harbers in said county, on the
19 day of April 1894 before me or such other Justice of the said County, as may be thereto
try this warrant, to answer complaint of A J Harris

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$30 00 due
by Note, and then and there make return of this warrant,

Given under my hand the 19 day of April 1894.

Jeremiah Harber J. P.

A J Harris

Against
W S Delpa

On the 19 day of April 1894
(In debt.) J Harbers
At J Harbers in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$ 30....., with interest thereon from the
..... day of March 1894, till paid, and \$ 1 00..... for costs.

Jeremiah Harber J. P.

VIRGINIA--Lee County, To-wit: To J M Thompson Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of.....

W S Delpa
....., in your county, you cause to be made the sum of \$ 30..... with
interest thereon from the 1 day of March 1894 till paid, which A J
Harris has recovered before Jeremiah Harber in a
warrant in debt, and also the sum of \$ 1 00..... which were adjudged to the said A J
Harris for costs in prosecuting said warrant.

Given under my hand the 19 day of April 1894

Jeremiah Harber J. P.

A. J. Harris
vs

W S Delph

Executed the
with in summons
this the 8 day of April
1894 J. M. Thompson Sen
C L C

Judgment -
Not Executed
No property found
this the 14 day of
May 1894
J. M. Thompson
C L C

Filed & docketed in
J. P. Book P 36 & Indgnd
Lein docketed P 36
May 1894 S. T. Richmond
Clerk

Virginia:

To the Honorable W. S. Miller, Judge of the
Circuit Court of Lee County:

Humbly complaining sheweth
unto your honor your orator A. J. Harris
that on the 19th day of April 1894, he obtained
before Jeremiah Harben, a Justice of the
Peace in & for the County of Lee, & State
of Virginia, a judgment against W. S.
Delph, of the said County, for \$30.00 with
with interest thereon at six per cent per
Annum from the 1st day of March 1894,
'till paid & \$1.00 costs, on which said
judgment an execution was duly
issued by the said Justice directed to
J. W. Thompson, a Constable of said
County, which was placed in the
hands of the said Constable to be
executed and was returned by
the said Constable with the following
return endorsed thereon: "Not executed, no
property found, this May 14, 1894, J. W.
Thompson, C. L. C."— Said judgment
& execution herewith filed marked "A" and
asked to be treated as part of this bill.
Your orators said judgment was also
filed & docketed in the judgment lien docket
& Justice's judgment docket in the
Clerk's Office of the County Court

of said County on the 18th day
of May 1894. Now, your orator further
states that the said W. S. Delp is seized
and possessed of a tract of land lying &
being in the said County of Lee
containing 54 acres more or less
and bounded by the lands of
Wright Stickley and others & is the same
land on which the defendant now resides.
Your orator is advised that his judg-
ment (no part of which has been paid), is
a lien under the Statute laws of Virginia,
on the said real estate, and that there are no
other liens on said real estate; and that the rents
and profits of the said real estate will, ^{not} satisfy
said judgment & costs in five years. In
tender consideration whereof in as much
as your orator is remediless in the premises
save by the aid of a Court of Equity, where
matters of this kind are alone and properly
cognizable. your orator prays that the said
W. S. Delp be made party defendant
to this bill & required to answer the same
on oath according to the best of his knowledge
and belief as fully & particularly as if the
statement of this bill were here again
repeated, and the said defendant there
to be specially interrogated; that a decree
be entered directing the sale of the
said land or so much thereof as

may be necessary to satisfy your orators
judgment & costs of this suit - and
that proper process issue, and for all
such further & general relief as the nature
of his case may require, or to equity
may seem meet. And your orator
will ever pray, &c.

Jackson & Blankenship,
J. J.

C 5.96
 S .50
 atty 5.00
 Comm 1.50
 Estimated 2.00
 Witnesses 5.00
 15.46

A. J. Harris

vs { Bill in Chancery.

W. S. Delph

1894. 2nd May Rules bill filed
 Spa Executed & Decree nisi
 " 1st June Rules taken the last
 Monday in May Decree nisi
 confirmed & cause set for hearing
 by Plaintiff.

Now Term Decree
 final O.B.K.O. 290

C 7.19
 50

Orr, Blankenship & Emory P. 2

Jackson & Blankenship P. 2

A. J. Harris, Plaintiff.

Against--(---In----Chancery.

W. S. Delph, Defendant.

This cause came on again this day to be heard upon the papers formerly read in the cause ^{and} the report of special commissioner E. W. R. Ewing, and was argued by counsel: On consideration of which the court doth approve and confirm said report and the deed filed therewith. It is further ordered and decreed that the purchaser Geo. W. Blankenship, pay to the said commissioner the sum of \$5.00 for executing the said deed; and the said Geo. W. Blankenship is hereby granted leave to withdraw the said deed from the papers in the cause for the purposes of recordation. And nothing further remaining to be done this cause is stricken from the docket.

R. J. Harris
vs. of Decree-final.
W. S. Delph.

W. S. P. 798

Enter this Decree
W. S. Delph.

Nov. 14, 1896.

A.J.Harris

vs. W.S.Delph.

A.J.Harris

vs.

W.S.Delph.

This cause came on again this day to be heard upon the papers formerly read in the cause, and the report of special commissioner, E.W.R. Ewing, reporting a sale of the land in the bill mentioned, and was argued by counsel. On consideration whereof it appearing to the court that the said report of sale has been filed the required number of days, and that there is no exceptions to the same, it is ordered, adjudged and decreed that the same be and is hereby confirmed. And the said commissioner Ewing is directed to properly disburse the costs in his hands, and also when due to proceed to collect the bond executed by the purchaser, G.W. Blankenship, and report his action to a future term of this court. And the cause is continued.

A. J. Harris
vs. } Deane.

W. J. Delph.

Confirming Sale.

C.B.

Page 134

Enter this

W J M

March 8th, 1895

A.J.Harris

Plaintiff

vs.

In Chancery.

W.S.Delp,

Defendant.

This cause came on again to be heard upon the papers formerly read in this cause and the report of C.H.Jones filed in this cause Oct.16,1894,to which there are no exceptions,and was argued by counsel.On consideration thereof it is adjudged,ordered and decreed that said report be and is hereby confirmed and that the lien creditors of the defendant recover against him the sums reported by said commissioner to be due them,respectively,and that the plaintiff recover against the defendant the costs of this suit,and unless the said sums herein decreed against the defendant are paid within thirty days from the adjournment of this court,then E.W.R.Ewing who is hereby apoint a commissioner for the purpose,will proceed at the front door of the court house of this county on some court day to sell to the highest bidder on a credit of ~~six~~ ^{said defendant's undivided one half} and twelve months ^{time} the tract of land in the bill mentioned or a sufficiency thereof to pay the amount of this decree and the expense of sale,except the cost of suit and the expense of sale which will be required to be ^{as} paid in ~~hand~~,and for the residue bonds with good security will be required of the purchaser payable to said commissioner,and bearing interst from day of sale. Said commissioner before selling will advertise the time,terms and place of sale for at least thirty days by written advertisement at the front door of the court house of said county and in the vacinity of the said land,and before proceeding under this decree said commissioner will execute bond before the Clerk of this court in the sum of \$200.00 conditioned as the law directs. Said commissioner will report his action to a future term of this court,and the cause is continued.

A. J. Hornio
vs. } Decu inter.
W. L. Delp.

Copied in Chanery
Order Book
Page 75

Enter this.
Nov. 14. 1844.
M L M

A. J. Harris, Plff.

vs.

W. S. Deleh off.

} Decree in Chy.

This cause came on this day to be heard on the bill taken for confessed as to the defendant W. S. Deleh on whom process had been duly served, he still failing to appear and plead, answer and demur to said bill, and was argued by counsel. On consideration of which the Court doth adjudge, order and decree that the plaintiff recover of the defendant the sum of \$20.00 with interest thereon at the rate of 6 per cent per annum from March ^{the 1st} 1894 till paid and \$1.00 costs and it being suggested that there are perhaps other liens against the lands in the bill mentioned, and that the said land will probably rent for enough in five years to pay the liens against the same, it is therefore further ordered and decreed that CH Jones who is hereby appointed a special Commissioner for the purpose, do ascertain the several liens against the said land, to whom due, the amounts and priorities of each, and whether or not the said land will rent for enough in five years to pay the said debts, and report to court, and the cause is continued.

A. J. Harris

vs. Decree

W. S. Delph Dept.

Entered in Chancery's Book 4³ 4.

Enter this

W. J. M.

June 7th 1894.

The deposition of S.E. Turner, taken before me, C.H. Jones, special Commissioner in the case of A.J. Harris vs. W.S. Delph, which case is now pending the circuit court of Lee county, Virginia, pursuant to decree rendered in this cause by the said court on the 7th day of June, 1894, to be read by me in determining the questions submitted to me by said decree.

Done at the office of Orr, Blankenship and Ewing in Jonesville, Virginia.

S.E. Turner, being duly sworn, says:

*Wit -
Claims
50c*
Ques. 1. Are you acquainted with the land on which W.S. Delph now lives, and which lands are sought to be subject by a bill filed by A.J. Harris against said Delph, if so, state for what it will rent per year?

Ans. I know the lands. I think that ten dollars per year for the entire place would be a fair estimate.

And more the witness does not say.

S.E. Turner

The above deposition was taken before me at the place time and for the purpose in the caption stated.

Given under my hand this Oct. 13, 1894.

C.H. Jones

Special Commissioner.

A. J. Harris
or
W. S. Delph } In Chy.

To the Hon. W. J. Miller, Judge of the Circuit
Court of Lee County.

Your undersigned special Commissioner
in pursuance of a decretal order of the
Circuit Court of Lee County, pronounced
on the 7th day June, 1894 in the above
styled cause, having given due notice
to all parties concerned, proceeded
on the 13th of October, 1894 to execute said
order; and his proceedings being completed
the result is herewith respectfully submitted.

Your undersigned special Commissioner
being directed by said decretal order of
June 7th 1894 to ascertain what lands
are owned by the Defendant to this cause,
the liens thereon, to whom due and their
priorities, and whether or not said land
will in five years rent for a sufficient
sum to pay of said liens and the costs
of this suit; and he here submits the
result of his investigation on the matters
referred to him by said decretal order.
Your Commissioner ascertains that W. S. Delph
is the owner of about 27 acres of land, the
same being one half interest in a

fifty four acre tract owned by the
said W.S. Delph and his mother

— Delph in the said County of
Lee and bounded by the lands of
Wright Slickley and others.

Your Commissioner files herewith as part
hereof marked "A", a list of all liens
against the land of the said Delph,
and which are in the order of priority
as represented by the numerical value
of the marginal numbers.

Your Commissioner ascertains that
the said land owned by said Delph
will, ^{not} but for a sum sufficient to pay
off the said liens and costs of this
suit in five years.

All of which is respectfully submitted,
This October 16, 1894.

C.H. Jones.
Special Commissioner

A. J. Harris
vs $\frac{1}{2}$ Commissioners
W. S. Duff Report

Filed October the 16th
1894 A. B. Murray Clerk

Commissioners fee.
\$1.50

To the Honorable W.T. Miller, Judge of the Circuit court Lee 6

Your undersigned special commissioner begs to report that in the case of A.J. Harris vs. W.S. Delph, pursuant to a decree entered in the cause at the November, 1894, term of your Honor's court, after due advertising as required by the said decree he proceeded to offer for sale at the front door of the court house of said county, on the terms specified in the said decree, the entire tract of land or so much thereof as in the decree specified as was necessary to pay the ascertained liens. Whereupon G.W. Blankenship bid the sum of \$30.00, which was the highest and best bid, and accordingly the same was knocked down to the said Blankenship. Accordingly he ~~he~~ paid cash in hands the sum of \$15.46 total costs in the case, and for the remainder he executed his bond dated on the day of sale, i.e., Feb. 18, 1895, bearing interest from date, for the remainder, to wit: \$14.54, due twelve months from date, which date for payment was by request of the purchaser, with approved security, to wit: Jas. W. Orr.

Your commissioner therefore recommends a confirmation of the said sale. All of which ~~is~~ is respectfully submitted.

E. M. R. Ewing

Special Commissioner.

A. J. Harris
vs. } Rpt. of Sale.

W. S. DeLph.

Filed Feb'y the 22nd 1898
A. B. Munsey Clerk

A.J.Harris

vs.

W.S.Delph.

1 2m Lehoung.

To the Hon.W.T.Miller, Judge of the Circuit court of Lee co.:

Your commissioner in the above styled cause begs to report that pursuant to a decree rendered in this cause on the 8th day of March, that being the March term of this Honorable court, he has collected the purchase money that was due from the said G.W.Blankenship as purchaser of the the lands by you commissioner sold. These bonds were not due, but said Blankenship tendered the money together with the interest thereon, which was accepted. Your commissioner also has disbursed the funds to G.W.Blankenship since the collection, he having become entitled to receive the same by assignment, of which assignment y you commissioner has personal knowledge, but as further evidence thereof an attested copy is herewith filed. Your commissioner also rept reports that the said Blankenship will now be entitled to a deed to the lands by him as aforesaid purchased, and recommends to your Hon- or that some one be appointed to make said deed.

All of which is respectfully submitted.

E. W. R. Ewing,
Special Counsel

A. J. Harris
v. } Report.

W. S. Delphi

Of Col. Penn.
Money & disburse-
ment.

Filed March the 13th 1895
A B Munnay Clerk

W. S. Deeph

In account with his Lien Creditors.

	\$	cts
(1) To Justices Judgment in favor of A. J. Harris, rendered Apr. 19, 1894.	30	00
Interest from Mar. 1st 1894 till Nov. 5, 1894.	1	22
Costs on same.	1	55
	32	77

(2) To Ord of Trust to M. G. Ely, Trustee for the benefit of B. F. Kincaid, Ord dated May 9th 1894, and to secure the the following debt, a note dated May 9, 1894, and due one day after date for Thirty One dollars	31	00
Interest on same till Nov. 5, 1894	9	0
Estimated costs of this suit	20	00
	61	90
	22	77
Total	94	67

A. J. Harris.
vs ⚡ Lien Creditors
⚡ account
W. S. Deeph.

"a"

A.J. Harris

vs.

W.S. Delph.

To the Honorable W.T. Miller, Judge of the Lee county ct co.:

Your undersigned special commissioner begs to report that pursuant to a decree rendered in this cause on the 13th day of November, 1895, he has made and herewith files a deed to Geo. W. Blankenship the purchaser of the land heretofore sold, and he recommends that after inspection by the court, that the Clerk of this court be direct to hand *it to* said deed to the said Blankenship when he shall call for the same.

Respectfully submitted.

E. H. R. Ewing.

Cour.

A. T. Harris
r.

W. S. Deeph.

Reporting Deed.

Filed Novr the 14th/895
A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

W. S. Delp

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *3rd* Monday in *May*, 189*4*, to answer a bill in Chancery, exhibited against *him* in our said court by *A. J. Harris*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *18th* day of *May*, 189*4*, and in the *11* *8th* year of the Commonwealth.

A. B. Munsey Clerk.

A. J. Harris

vs. {

SUBPENA
IN CHANCERY.

W. S. Delp

Jackson & Blankenship p. q.

To

2nd May

Rules, 1894

Circuit Court.

executed by
delivering a true copy
of within summs to
W. S. Delp, this May
21 - 1894.

J. M. Weston L28.
For C. E. Flanary
S. L. C.